

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1, 3-8 and 10-20 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejection in view of the amendments and remarks as set forth below.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claim 18 stands rejected under 35 U.S.C. § 112 first paragraph as failing to comply with the enablement requirement. The Examiner points out that there is no description in the specification of the base docking station having controls. By way of the present amendment, claim 18 has been amended to remove this part of the claim. Accordingly, this rejection is overcome.

Claims 3-6, 8, 9, 13, 14, 16 and 19 stand rejected under 35 U.S.C. § 112 second paragraph as being indefinite. The Examiner points out that it is not clear that a scroll wheel can act as a cursor control device by itself. By way of the present amendment, Applicants have changed "cursor control device" to "control device" in claims 1, 3-5 and 19. Accordingly, since the scroll wheel is definitely a control device, this rejection is overcome. Further, Applicants submit that a scroll wheel can be considered to be a cursor control device. That is, a scroll wheel causes a movement through a listing of items and thus provides to the user an opportunity to select one item. This is done in a similar fashion to using the click and drag feature of the cursor to move through this same listing. Further, the scroll wheel can have a push button feature to select the item which has been scrolled to. Accordingly, Applicants submit that the scroll wheel is the equivalent of a cursor control even if the cursor itself is not actually moved. However, this is rendered moot by the change to the "control device".

The Examiner rejected claims 16 and 17 concerning the use of a wire to communicate data. By way of the present amendment, Applicants have changed the dependency of claim 16 to depend from claim 1. Claim 15 is concerned with the use of a sensing device in the wireless

model while claim 16 relates to the wired model which uses a wire to communicate. Accordingly, this rejection is overcome by this change of dependency.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-4, 10 and 15 stand rejected under 35 U.S.C. § 102 as being anticipated by Holmes (U.S. Patent 6,222,526). This rejection is respectfully traversed.

The Examiner points out that Holmes shows a ergonomic control device having a housing with a grip portion, an upper portion, a central portion and a lower portion, at least one click button on the front side and a cursor control device in the upper portion. Applicant submits that claim 1 is not anticipated by this reference. Applicant has now amended claim 1 to further describe the shape of the control device and arrangement of the buttons thereon. First, the limitations of claim 2 have been added to claim 1 to describe the upper portion extending outwardly with respect to the central portion. Applicant has also added the fact that the upper portion has a surface which faces the direction of the user. As seen in Fig. 3A, the trackball 2, scroll wheel 3 and buttons 4 are provided on a surface in the upper portion which faces the user. This can also be seen in the side views of Figs. 1A and 2A. This arrangement allows the thumb of the user to operate these controls while in the vertical orientation.

Applicant notes that the Holmes device has a trackball or joystick arrangement along with buttons on a top surface which are arranged such that the thumb is operated in a horizontal direction as shown in Fig. 7 of that reference. Applicant submits that the shape of the housing and the location of the buttons as defined in claim 1 is not seen in Holmes. Further, Applicant submits that this arrangement is not seen in the other cited references either. Accordingly, Applicant submits that claim 1 is allowable over this reference.

Claims 3-8 and 10-18 depend from claim 1 and as such also considered to be allowable. In addition, each of these claims have other features to make them additionally allowable.

Independent claim 19 is similar to claim 1 and includes the same new description of the housing with the surface facing the user. Accordingly, Applicant submits that claim 19 is allowable for the same reason.

Applicant has also added a description in the specification of the surface on which the trackball and scroll wheel are located. Applicant submits that no new matter is involved since it describes the arrangement already shown in the Figs.

REJECTION UNDER 35 U.S.C. § 103

Claims 5 and 6 stand rejected under 35 U.S.C. §103 as being obvious over Holmes in view of Rosenberg (U.S. Patent 6,693,626). Claims 7 stands rejected under 35 U.S.C. § 103 as being obvious over Holmes in view of Pejic et al. (U.S. Patent 5,956,018). Claims 8, 9 and 13 stand rejected under 35 U.S.C. as being obvious over Holmes in view of Rosenberg and Pejic. Claims 11, 18 and 19 stand rejected under 35 U.S.C. §103 as being obvious over Holmes in view of Robinson et al. (U.S. Patent 6,897,833). Claim 12 stands rejected under 35 U.S.C. § 103 as being obvious over Holmes in view of Tiphane et al. (U.S. Patent 7,061,468). Claim 14 stand rejected under 35 U.S.C. § 103 as being obvious over Holmes in view of Rosenberg, Pejic and Robinson. Claims 16 and 17 stand rejected under 35 U.S.C. § 103 as being obvious over Holmes in view of Young (U.S. Patent 6,419,519). These rejections are all respectfully traversed.

The Examiner has cited a number of secondary and tertiary references teaching individual features recited in the dependent claims. However, none of these references show the arrangement of the defined surface with the vertical orientation of the thumb as presently described in claims 1 and 19. Applicant submits that since none of these references either alone or taken in conjunction teach this concept so that these claims remain allowable based on dependency from allowable claim 1.

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Applicant has added new claim 20 which further describes the textured grip portion as shown as reference number 11 in Fig. 3A. Applicant submits that this feature is also not shown in the Holmes reference and accordingly this claim also remains allowable.

CONCLUSION

In view of the above remarks, it is believe that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.


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Respectfully submitted,

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